

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Shelly Toure and Tony Heard, <i>on behalf of themselves and others similarly situated,</i>	)	
	)	
	)	
Plaintiffs,	)	Case No: 1:16-cv-08279
	)	Honorable John Z. Lee
	)	
v.	)	
	)	
Navient Solutions, Inc.	)	
	)	
Defendant.	)	
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**INITIAL STATUS REPORT**

**I. The Nature of the Case.**

**A. Identify the attorneys of record for each party, including the lead trial attorney.**

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**B. State the basis for federal jurisdiction.**

This Court has subject matter jurisdiction under 47 U.S.C. § 227(b)(3) and 28 U.S.C. § 1331.

**C. Describe the nature of the claims asserted in the complaint and any counterclaims.**

Plaintiffs allege that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by using an automatic telephone dialing system to place non-emergency calls to Plaintiffs' cellular telephone numbers absent prior express consent to do so.

**D. A statement of the major legal and factual issues in the case to be submitted by each side in 200 words or less per side. A party need not agree to the opposing party's statement.**

- i. Whether Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
- ii. Whether this Court should certify Plaintiff's proposed class under Rule 23.

**E. Describe the relief sought by the plaintiff(s).**

Plaintiffs seek the following relief:

- i. A determination that this action is a proper class action;
- ii. A designation of Plaintiffs as class representatives under Federal Rule of Civil Procedure 23;
- iii. A designation of Plaintiffs' counsel as class counsel under Federal Rule of Civil Procedure 23;
- iv. A judgment and declaration that Defendant violated 47 U.S.C. § 227(b)(1)(a)(iii);
- v. An injunction prohibiting Defendant from continuing its violative behavior;
- vi. An award of damages under 47 U.S.C. § 227(b)(3)(B);
- vii. An award of treble damages under 47 U.S.C. § 227(b)(3);
- viii. An award of reasonable attorneys' fees, costs, and expenses under Rule 23 of the Federal Rules of Civil Procedure;
- ix. An award of any pre-judgment and post-judgment interest as may be allowed under the law; and
- x. Any further relief this Court may deem just and proper.

**II. Pending Motions and Case Plan**

**A. Identify the Day/Date of the Initial Status Hearing (e.g., Wednesday, June 25, 20XX)**

November 3, 2016 at 11:00 am.

**B. Identify All Pending Motions**

None.

**C. Submit a proposal for a discovery plan, including the following information:**

**1. The general type of discovery needed;**

The parties anticipate propounding written party discovery (including interrogatories, requests for production, and requests for admission), written third party discovery (including subpoenas for documents), party depositions (pursuant to Rules 30(b)(1) and 30(b)(6)), and non-party depositions (pursuant to Rule 45), regarding the merits of, and defenses to, Plaintiffs' individual TCPA claims, and the appropriateness of class certification (numerosity, typicality, commonality, adequacy, manageability, superiority, and predominance).

**2. A date for Rule 26(a)(1) disclosures;**

November 28, 2016.

**3. A date to issue written discovery;**

December 12, 2016.

**4. A date for the deadline for the amendment of pleadings (90 days after Rule 26(a) disclosures are exchanged).**

February 27, 2017.

**5. A fact discovery completion date;**

August 14, 2017.

**6. An expert discovery completion date, including dates for the delivery of expert reports; and**

June 19, 2017.

**7. A date for the filing Plaintiffs' motion to certify a class.**

June 19, 2017.

**8. A date for the filing of dispositive motions.**

October 30, 2017.

**D. With respect to trial, indicate the following:**

**1. Whether a jury trial is requested; and**

Yes.

**2. The probable length of trial**

Seven days.

**III. Consent to Proceed Before a Magistrate Judge Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.**

No.

**IV. Status of Settlement Discussions**

**A. Indicate whether any settlement discussions have occurred;**

A mediation was conducted on October 27, 2016.

**B. Describe the status of any settlement discussions; and**

The discussions are ongoing.

**C. Whether the parties request a settlement conference.**

Not at this time.

Date: October 28, 2016

Respectfully Submitted,

/s/Aaron D. Radbil

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was filed electronically on October 28, 2016, via the Court Clerk's CM/ECF system, which will provide notice to all counsel of record.

/s/ Lisa M. Simonetti  
Lisa M. Simonetti